

47. Award to lie in court four days before judgment thereon entered; for what causes may be set aside.
48. Proceedings upon death of either of the parties.
49. Arbitrator dying or refusing to act, court to appoint successor.
50. Proceedings if award not returned within eight months.
51. Proceedings after award is made.

#### Cases by Consent.

52. Parties may submit issues to a jury, and agree that upon their decision a sum of money is to be paid by one to the other; amount, how estimated.
53. Proceedings upon the finding of the jury.
54. Parties at any time before judgment may submit questions of law for the opinion of the court.
55. Parties may agree that upon the decision by the court a sum of money is to be paid; amount, how estimated.
56. "Next friend" or *prochein ami* may compromise suit for infant; proviso.

#### Certiorari.

57. Bond to be given by party obtaining writ.

#### Continuance.

58. How long cause may be continued.
59. Because of absence of witness.
60. Affidavit for, to contain what.
61. Court may examine on oath party making affidavit; adverse party may admit the facts such witness would prove, retaining right to contradict said testimony.
62. When new trial is granted, or commission issued or judgment set aside.
63. When party to a suit dies.
64. Suit involving title to lands where party dies and an infant is a proper party to be substituted, suit not to abate, but guardian to be made a party.

65. Infant entitled to lands by purchase only bound to answer suit when heir would be bound so to do.
66. In case where attendance of witness residing within state can not be had.
67. On a special verdict, or case stated, court not to continue case more than two terms.
68. If plats returned in any case are defective, or fail to be returned by any accident, court may continue case.
69. Cost of; by whom paid.
70. Cases when new trial has been ordered by court of appeals, proceedings may be stayed until all costs are paid.

#### Ejectment.

71. How begun; proceedings in.
72. Mortgagor may maintain, except as against mortgagee.
73. Proceedings in cases between landlord and tenant.
74. Where suit is to be brought.
75. Defendants may sever; three sets of plats to be returned.
76. Court to apportion costs where defendants sever.
77. Plaintiffs may declare jointly.
78. One of joint plaintiffs may recover to the extent of his title.
79. Patent not necessary to be proved; proof of enclosure no longer necessary.
80. Warrant of resurvey to be issued only when there is dispute as to location.
81. Or where different parcels are claimed under same title.
82. Party applying for, shall first locate his claim.
83. How locations shall be made; proceedings. Trespass *q. c. f.*
84. Plats and certificates to be amendable; witnesses may be examined who were not sworn on the survey.
85. Plats not to be considered pleadings *per se*.